

## REMARKS

This paper is an amendment that accompanies a request for continued examination (RCE) that is being concurrently filed on February 26, 2010. It is respectfully requested that prosecution on the merits be reopened.

Claims 1-37 are pending. Claims 1-37 are rejected.

Although Applicants believe that claims 1-37 are patentable over at least the art made of record for at least the reasons as set forth clearly in the record, Applicants have amended the pending independent claims and added new dependent claims in an attempt to expedite prosecution and/or to further clarify subject matter recited therein. Applicants respectfully reserve the right to pursue, without prejudice in a continuing application and/or related application, subject matter that has been withdrawn, amended and/or cancelled.

Independent claims 1, 23 and 30 have been amended. In view of at least the amendments herein, it is respectfully submitted that a *prima facie* case of obviousness has not been presented in the Office Action Made Final.

It is believed that claims 1-37 are in condition for allowance.

Applicants have also added new dependent claims 38-57 to further expedite prosecution and/or to further clarify claimed subject matter.

It is believed that new dependent claims 38-57 are also in condition for allowance.

Applicants do not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

Applicants respectfully reserve the right to pursue, without prejudice in a continuing and/or related application, subject matter (e.g., claimed subject matter) that has been withdrawn,

U.S. Application No. 10/695,008, filed October 28, 2003

Attorney Docket No. 15128US02

Amendment dated February 26, 2010

Accompanying Request for Continued Examination (RCE) filed February 26, 2010

amended and/or cancelled.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: February 26, 2010

Respectfully submitted,

/Michael T. Cruz/

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